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FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 26, 2005

Rebecca Edwards
Colane Cable TV, Inc.
Post Office Box 610
Omar, West Virginia 25638

Re: Colane Cable TV, Inc.
Request for Waiver of FY 2004
Regulatory Fee Penalty
Fee Control No. 00000RROG-05-006

Dear Ms. Edwards:

This responds to your November 24, 2004 letter requesting waiver of the penalty for late payment of the fiscal year (FY) 2004 regulatory fees for Colane Cable TV, Inc. (Colane Cable TV) in Omar, West Virginia. Our records show that the FY 2004 regulatory fee penalty of \$548.62 has not been paid.

In your letter, you state that you are requesting a waiver because you did not receive any public notice that the FY 2004 regulatory fees were due or any postcard notifying you of the date of the deadline for payment.¹ You state that you also did not receive notification for the FY 2003 fees, but were not late in filing them.² You further state that your attempts to resolve the issue during telephone calls with Commission representatives have been unsuccessful, and you request an investigation as to why you did not receive notification by mail that the FY 2004 regulatory fees were due.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. See 47 C.F.R. § 1.1164. Your request does not indicate or substantiate that you met this obligation. Further, although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding

¹ Although your letter requests waiver of the penalty for late payment of the FY 2003 fees, and mentions timely payment of the FY 2002 fees, it is apparent from the attached bill that you are referring to the regulatory fees for FY 2004 and FY 2003, respectively.

² *Id.*

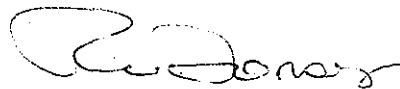
Rebecca Edwards

2.

regulatory fees, Commission licensees are expected to know and understand the requirements and rules governing their licenses.³ Therefore, your request is denied.

Payment of the \$548.62 penalty for late payment of the FY 2004 regulatory fee is now due. The regulatory fee penalty should be submitted, together with a copy of Bill number 0520000028 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



for Mark A. Reger
Chief Financial Officer

Enclosure

³ Among other things, the Commission issued Public Notices announcing the due date for payment of fees. *Public Notice*, DA 04-2215, July 21, 2004; *Public Notice*, DA 04-2262, July 23, 2004; *Public Notice*, DA 04-2549, August 18, 2004. Please note that the Commission no longer disseminates public notices concerning regulatory fees through surface mail. Public notices, fact sheets and all necessary regulatory fee payment procedure information is provided on the Commission's website at <http://www.fcc.gov/fees>, and will be mailed in hardcopy form upon request to anyone who contacts the FCC Consumer Center at (888) 225-5322. *Public Notice*, September 17, 2003; *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, MD Docket No. 04-73, Report and Order, 19 FCC Rcd 11662, 11673 paras. 33-34 (2004). As to your statement that you "were not notified by postcard" of the August 19, 2004 regulatory fee payment deadline, please note that the Commission mailed fee assessment letters to MSOs and cable operators reported in the *Broadcasting and Cable Yearbook 2003-2004* and industry statistics published by the National Cable and Telecommunications Association. Cable operators not listed in either of these two sources were not sent assessment letters. *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, MD Docket No. 04-73, Report and Order, 19 FCC Rcd 11662, 11678-79 paras. 52-56 (2004). In any case, as noted, licensees and regulatees are responsible for timely payment of their regulatory fees, and may obtain all pertinent instructions for making timely payment from the Commission's website. See *Regulatory Fees Fact Sheet*, What You Owe—Cable Television Systems for FY 2004, July 2004.

00000RR06-05-006

Colane Cable TV, Inc.

P. O. Box 610
Omar, West Virginia 25638
Telephone: (304) 946-2871

November 24, 2004

Federal Communications Commission
REVENUE & RECEIVABLE OPERATIONS
P O Box 358340
Pittsburgh PA 15251-8340

RE: Remittance Advice Form 159
FRN: 0003-7472-35 and 0003-7473-34

To Whom It May Concern:

Colane Cable TV, Inc. would like to request a waiver of the penalty for late regulatory fee payment due to the fact we did not receive public notice for FY 2003 Regulatory Fees due. We also did not receive notification for the FY 2002 Fees, but were not late in filing. The due date was changed to the August 2004 date and we were not notified by postcard. We apologize for the late filing of Form 159 and would appreciate an investigation into the reason why we did not receive notification by mail. I have made several attempts to resolve the issue by phone and have spoken to several persons at your help line. I also tried to contact Claudette in receivables today, but received a message on her voice mail and a recording that her mail box was full. I am withholding payment for the penalty until I can speak to someone in accounts receivable concerning this matter.

I am also enclosing copies of Remittance Advice Form 159 that was submitted in September 2004, a copy of a letter that was included with the form, and a copy of the bill for collection.

Please review this matter as soon as possible and contact me at the above telephone number.

Sincerely,

Rebecca Edwards
Office Manager

Enclosures